

WC 05-253

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Before the  
2005 AUG 4 5 **FEDERAL COMMUNICATIONS COMMISSION** **RECEIVED**  
Washington, D.C. 20554

JUL 22 2005

In the Matter of

TMC Communications of Delaware, Inc.

Application for Section 63.71 Authority  
for Discontinuance and Reduction in Service

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File No. \_\_\_\_\_

Federal Communications Commission  
Office of Secretary

**APPLICATION FOR SECTION 63.71 AUTHORITY**  
**FOR DISCONTINUANCE AND REDUCTION IN SERVICE**

TMC Communications of Delaware, Inc ("TMC") hereby requests, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and Section 63.71 of the Commission's Rules, 47 C.F.R. § 63.71, authority to discontinue and reduce its provision of domestic telecommunications services, as described herein. TMC is non-dominant with respect to the services being discontinued and reduced. Affected customers have been notified in the manner described in 47 C.F.R. § 63.71(a).

TMC provides local exchange and long-distance service on a resale basis in Maryland. As a result of a dispute between TMC and Verizon Maryland, Inc. ("Verizon"), Verizon has indicated it may terminate service to TMC and its customers on August 21, 2005. TMC has placed orders to migrate nearly all of its affected client accounts to other carriers. However, due to the nature of telecommunications networks, not all of the affected client locations can be served by TMC's other providers. Accordingly, TMC files this Application seeking to discontinue and reduce its provision of service to those clients whom TMC can no longer serve.

TMC provides the following information in support of this Application, pursuant to 47 C.F.R. § 63.71:

**I. Section 63.71(a) Information**

**(1) Name and address of carrier:**

TMC Communications of Delaware, Inc.  
One Washingtonian Center  
9801 Washingtonian Blvd, Suite 510  
Gaithersburg, MD 20878

**(2) Date of planned service discontinuance and reduction:**

Verizon has indicated that it will terminate service to TMC on August 21, 2005.

**(3) Geographic areas affected:**

Affected customers are located in various locations in the Verizon footprint in Maryland.

**(4) Brief description of type of service affected:**

TMC hereby seeks authority to discontinue and reduce the provision of local exchange and long-distance services to some of its customers in Maryland.

**II. Notification Requirements**

TMC by letter has provided notice of its planned discontinuance and reduction in service to customers, whom TMC can no longer serve. See Customer Notice, Attachment A.

Contingent on when and if Verizon takes action, TMC expects to discontinue and reduce service to those affected customers on August 21, 2005.

TMC is serving a copy of this Application to the Maryland Public Service Commission, the Governor of Maryland, and to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a).

**III. Regulatory Status**

TMC is regulated as a non-dominant carrier with respect to the services that it seeks authority to discontinue and reduce.

### Conclusion

Neither the present nor future public convenience and necessity will be adversely affected by this proposed discontinuance and reduction of service. TMC has placed orders to migrate nearly all of its affected client accounts to other carriers, and its affected customers have been provided with adequate notice and have access to comparable local exchange and long-distance services offered by other telecommunications carriers at competitive prices.

For the foregoing reasons, TMC respectfully requests, pursuant to 47 U.S.C. § 214(a) and 47 C.F.R. §63.71, that the Commission approve this Application for Section 63.71 Authority for Discontinuance and Reduction in Service.

Respectfully submitted,



Glenn S. Richards

Tony Lin

Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, N.W.  
Washington, D.C. 20037

*Counsel for TMC Communications of Delaware,  
Inc.*

Dated: July 22, 2005

### CERTIFICATION

On behalf of TMC Communications of Delaware, Inc., I hereby certify that the statements in the foregoing Application for Section 63.71 authority are true, complete, and correct to the best of my knowledge and are made in good faith.

By: 

Name: Daniel Galkin

Title: CEO

Date: July 22, 2005

**ATTACHMENT A**  
**CUSTOMER NOTICE**

TMC Communications of Delaware, Inc.  
9801 Washingtonian Blvd  
Suite 510  
Gaithersburg, Maryland 20878

Farm & Home Services  
7625 Main Street  
Sykesville, MD 21784

July 21, 2005

Dear Client

As you may be aware, TMC Communications of Delaware, Inc. ("TMC"), your local and long-distance telecommunications provider, has been engaged in a dispute with one of our underlying carriers, Verizon Maryland Inc. ("Verizon"). As a result of this dispute, Verizon has indicated that on August 21, 2005 it will terminate service to our Maryland clients that Verizon serves. TMC has already placed orders to migrate nearly all of our affected client accounts to other carriers. However due to the nature of telecommunications networks, not all of our client locations can be served by our other providers. Listed below are your accounts that fall into this category, and for these locations you must find an alternative carrier prior to August 21, 2005. You can find a list of most local telephone service providers in your local telephone directory. If you have any questions, please call your customer service representative at 301-913-0314.

410-795-1234

5 Sykesville

Your other accounts, if any, will be migrated to alternative carriers, and you will receive a five percent discount on the line charges on those accounts. We regret this inconvenience, and will do everything in our power to make this transition as seamless as possible.

The Federal Communications Commission will normally authorize this proposed reduction of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing Application for Section 63.71 Authority of TMC Communications of Delaware, Inc. Comments should include specific information about the impact of this proposed reduction in service upon your company, including any inability to acquire reasonable substitute service.

Sincerely,

Daniel Galkin  
CEO

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Section 63.71 Authority for Discontinuance and Reduction in Service was sent by first-class mail on July 22, 2005 to the following:

Office of the Governor  
Robert L. Ehrlich, Jr.  
State House  
Annapolis, Maryland 21401-1925

Maryland Public Service Commission  
William Donald Schaefer Tower  
6<sup>th</sup> St. Paul Street, 16<sup>th</sup> Floor  
Baltimore, MD 21202

Secretary of Defense  
Attn: Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301

  
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Renee Williams